IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

OP.No. 14203 of 2000(N)

PETITIONER:

KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
KOLLAM.

BY ADV. SMT.I.SHEELA DEVI

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
LABOUR AND REHABILITATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
KANJIKUZHI, KOTTAYAM.

3. JOSEPH THOMAS,
CHENNANKATTU HOUSE,
VAKATHANAM.P.O.,
KOTTAYAM DISTRICT.

BY ADV. SRI.G.PRABHAKARAN
GOVERNMENT PLEADER – ADV. SMT.R.BINDU
SC – ADV. SHRI.P.RAMAKRISHNAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.No. 14203/2000

ORDER ON CMP NO. 22886/2000 IN O.P.No. 14203/2000

DISMISSED.

02/02/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE ORDER NO.EK.716/FDO/92-94 DATED 21/07/1995 OF THE 2ND RESPONDENT.

EXT.P2 COPY OF THE ORDER NO.G.O.(Rt.) NO.3225/98/LBR DATED 20/10/1998 OF THE 1ST RESPONDENT.

EXT.P3 COPY OF THE STATEMENT DATED 27/02/1999 SUBMITTED BY THE 3RD RESPONDENT BEFORE THE 2ND RESPONDENT.

EXT.P3(a) COPY OF EXT.P3

EXT.P4 COPY OF THE ORDER EK-716/92-94/FDO(REVISED) DATED 27/02/1999 OF THE 2ND RESPONDENT.

EXT.P5 COPY OF THE APPEAL MEMORANDUM FILED ON 22/03/1999 BY THE 3RD RESPONDENT BEFORE THE GOVERNMENT.

EXT.P6 COPY OF THE STATEMENT FILED BY THE 2ND RESPONDENT BEFORE THE GOVERNMENT.

EXT.P7 COPY OF THE ORDER NO.(RT.) 1917/99/LBR DATED 18/06/99 OF THE 1ST RESPONDENT.

EXT.P8 COPY OF THE JUDGMENT DATED 08/09/1999 IN O.P.No. NO.19975/1999 OF THE HON'BLE HIGH COURT.

EXT.P9 COPY OF THE ORDER NO.G.O.(RT) NO.316/2000/LBR DATED 27/01/2000 ISSUED BY THE GOVERNMENT.

EXT.P10 COPY OF THE ADJOURNMENT APPLICATION DATED 05/02/2000 SUBMITTED BY THE TRIVANDRUM DISTRICT EXECUTIVE OFFICER OF THE PETITIONER BOARD BEFORE THE APPELLATE AUTHORITY.

EXT.P11 COPY OF THE TELEPRINTER MESSAGE SENT BY THE APPELLATE AUTHORITY TO THE PETITIONER.

EXT.P12 COPY OF THE TELEGRAM SENT BY THE PETITIONER TO THE APPELLATE AUTHORITY.

EXT.P13 COPY OF THE TELEPRINTER MESSAGE SENT BY THE PETITIONER TO THE APPELLATE AUTHORITY.

EXT.P14 COPY OF THE ORDER GO(RT) NO. 550/2000/LBR DATED 11/02/2000 ISSUED BY THE 1ST RESPONDENT.

EXT.P15 COPY OF THE NOTICE NO.23057/81/99/LBR DATED 07/02/2000 ISSUED BY THE 1ST RESPONDENT.

EXT.P16 COPY OF THE APPEAL MEMORANDUM DATED 05/08/1995 FILED BY THE 3RD RESPONDENT BEFORE THE 1ST GOVERNMENT.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 14203 of 2000

Dated, this the 2nd day of February, 2007

J U D G M E N T

The petitioner is challenging Ext.P14 order, issued by the Government in appeal, canceling demand of Motor Transport Workers Welfare Fund Board, in respect of two workers. It has seen from the deposition produced as Ext.P3 furnished by the 3rd respondent that he himself has admitted employment of two workers for whom demand was raised based on admission. In the appeal also registered owner is conceding employment of the two persons for whom demand was confirmed by 2nd respondent after remand. In fact, originally demand was for 5 workers and in remand proceedings liability was reduced to two workers, which is interfered in the appeal. I find Ext.P14 order is perverse because it is against admission by the appellant. In the circumstances, O.P is allowed vacating Ext.P14 and sustaining the revised demand.

This O.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg